

1 SHARON C. COLLIER (State Bar No. 203450)

[scc@severson.com](mailto:scc@severson.com)

2 LESLIE A. FALES (State Bar No. 289565)

[laf@severson.com](mailto:laf@severson.com)

3 SEVERSON & WERSON

A Professional Corporation

4 One Embarcadero Center, Suite 2600

San Francisco, California 94111

5 Telephone: (415) 398-3344

Facsimile: (415) 956-0439

6 Attorneys for Defendant

7 COSTCO WHOLESALE CORPORATION

8  
9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 CHELSEA KHOO,

13 Plaintiff,

14 vs.

15 COSTCO WHOLESALE CORPORATION, ,  
16 a business entity form unknown; and DOES 1  
17 through 20, Inclusive,

18 Defendants.

Case No.

[San Mateo County Superior Court Case No.  
21-CIV-01517]

**DEFENDANT COSTCO WHOLESALE  
CORPORATION'S REQUEST FOR  
JUDICIAL NOTICE [FRE 201]**

Action Filed: March 22, 2021

Trial Date: N/A

19 **PLEASE TAKE NOTICE** that in support of its Notice of Removal, pursuant to Federal  
20 Rule of Evidence 201, Defendant COSTCO WHOLESALE CORPORATION, requests this Court  
21 take judicial notice of the following:

22 1. A true and correct copy of Plaintiffs' Summons and Complaint filed on March 22,  
23 2021, in the San Mateo County Superior Court, Case No. 21-CIV-01517 and served on Costco on  
24 January 25, 2022, is attached to this Request for Judicial Notice as **Exhibit A**.

25 2. A true and correct copy of Plaintiff's Statement of Damages served by Plaintiff on  
26 January 25, 2022 is attached to this Request for Judicial Notice as **Exhibit B**.

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3. A true and correct copy of Defendant Costco Wholesale Corporation's Answer filed on February 24, 2022 in the San Mateo County Superior Court, is attached to this Request for Judicial Notice as **Exhibit C**.

4. Costco is a corporation formed and organized under the laws of the State of Washington, as evidenced by the Amended Statement of Designation by a Foreign Corporation, a true and correct copy of which is attached to this Request for Judicial Notice as **Exhibit D**, and which is found on the California Secretary of State Website.

5. Costco Wholesale Corporation's principal place of business is located at 999 Lake Drive, Issaquah, Washington 98027, as evidenced by the Statement of Information filed by Costco on June 27, 2019 with the California Secretary of State, a copy of which is attached to this Request for Judicial Notice as **Exhibit E**, and which is found on the California Secretary of State Website.

6. Plaintiff Chelsea Khoo is a residents of the State of California, as evidenced from the public records attached hereto as **Exhibit F**.

**A. LEGAL AUTHORITY FOR TAKING JUDICIAL NOTICE OF THIS MATERIAL**

This Court may take judicial notice at any stage of the proceeding. Fed R. Evid. 201(d). Paragraph (b)(2) of Rule 201 states in part that "[t]he court may judicially notice a fact that is not subject to reasonable dispute because it: ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Exhibits A, B, C, and D are public records maintained by the State of California and readily accessible through the California Secretary of state website, and the San Mateo County Superior Court Online Docket.

Exhibit E includes information which is compiled from public records which are accumulated and maintained by federal and state agencies. Such information is readily accessible through such agencies and/or third-party records vendors such as LexisNexis. The aforementioned facts are maintained by reliable sources and cannot reasonably be questioned.

In light of the foregoing, Costco requests this Court take judicial notice of the following facts: (1) Plaintiff filed a Complaint with the San Mateo County Superior Court against Costco

1 March 22, 2021 alleging causes of action for negligence and premises liability; (2) Plaintiff  
2 served Defendant with the Complaint and Statement of Damages on January 25, 2022; (2) Costco  
3 filed an Answer to Plaintiffs' Complaint on February 24, 2022 generally denying Plaintiffs' claims  
4 and asserting various affirmative defenses; (3) Costco is a corporation duly incorporated in the  
5 State of Washington; (4) that Costco's principal place of business is located in the State of  
6 Washington; and that (5) Plaintiff is a resident of the State of California.

7 **B. CONCLUSION**

8 For all of the aforementioned reasons, Defendant Costco respectfully requests that this  
9 Court take judicial notice of the records and facts set forth above.

10  
11 DATED: February 24, 2022

SEVERSON & WERSON  
A Professional Corporation

12  
13  
14 By: \_\_\_\_\_



SHARON C. COLLIER  
LESLIE A. FALES

15  
16 Attorneys for Defendant COSTCO WHOLESALE  
17 CORPORATION  
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# Exhibit A


**Service of Process  
Transmittal**

01/25/2022

CT Log Number 540938507

**TO:** Laura Aznavoorian, Litigation Supervisor  
Gallagher Bassett Services, Inc.  
1901 S. Meyers Rd, Suite 200C  
Oakbrook Terrace, IL 60181

**RE: Process Served in California**

**FOR:** Costco Wholesale Corporation (Domestic State: WA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: CHELSEA KHOO // To: Costco Wholesale Corporation

**DOCUMENT(S) SERVED:** --

**COURT/AGENCY:** None Specified  
Case # 21CIV01517

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, GLENDALE, CA

**DATE AND HOUR OF SERVICE:** By Process Server on 01/25/2022 at 01:46

**JURISDICTION SERVED :** California

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/25/2022, Expected Purge Date: 02/09/2022

Image SOP

Email Notification, Laura Aznavoorian laura\_aznavoorian@gbtpa.com

Email Notification, Zois Johnston zjohnston@costco.com

Email Notification, Maureen Papier maureen\_papier@gbtpa.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
330 N BRAND BLVD  
STE 700  
GLENDALE, CA 91203  
866-665-5799  
SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

**Date:** Tue, Jan 25, 2022

**Server Name:** Victor Mendez

Entity Served	COSTCO WHOLESALE CORPORATION
Case Number	21CIV01517
Jurisdiction	CA



SUM-100

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COSTCO WHOLESALE CORPORATION, a business entity form unknown; and DOES 1 through 20, Inclusive.

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

CHELSEA KHOO.

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

Electronically

**FILED**

by Superior Court of California, County of San Mateo  
ON 3/22/2021

By /s/ Anthony Berini  
Deputy Clerk

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): **SAN MATEO SUPERIOR COURT**  
**Hall of Justice, 400 County Center**  
**Redwood City, California 94063**

CASE NUMBER:  
(Número del Caso): **21-CIV-01517**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
**S. Sean Bral, Esq., Bral & Associates, 1875 Century Park East #1490, Los Angeles, CA 90067 (310) 789-2007**

DATE: 3/22/2021 Neal I. Taniguchi Clerk, by /s/ Anthony Berini, Deputy  
(Fecha) (Secretario) (Adjunto)

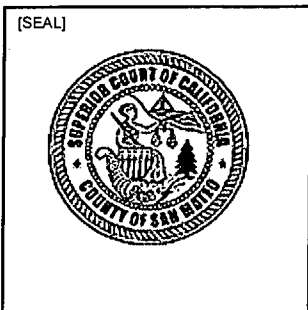
(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

### NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **COSTCO WHOLESALE CORPORATION, A BUSINESS ENTITY FROM UNKNOWN**  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

- ☒ other (specify): **15,95**  
4. ☐ by personal delivery on (date):



BRAL & ASSOCIATES  
 S. SEAN BRAL, ESQ. 190489  
 RICHARD POURGOL, ESQ. 250236  
 1875 CENTURY PARK EAST, SUITE 1490  
 LOS ANGELES, CALIFORNIA 90067  
 E-mail: SBFirm@gmail.com  
 Phn: (310)789-2007 Fax: (310)789-2006

Attorneys for *Plaintiff*  
 CHELSEA KHOO

Electronically  
**FILED**  
 by Superior Court of California, County of San Mateo  
 ON 3/22/2021  
 By /s/ Anthony Berini  
 Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF SAN MATEO**

CHELSEA KHOO,

*Plaintiff,*

vs.

COSTCO WHOLESALE CORPORATION,  
 a business entity form unknown; and DOES  
 1 through 20, Inclusive.

*Defendants.*

**Case Number: 21-CIV-01517**

**COMPLAINT FOR DAMAGES**

**1. NEGLIGENCE /  
 PREMISES LIABILITY**

*Plaintiff* alleges:

1. *Plaintiff* CHELSEA KHOO ("Plaintiff"), is informed, believes, and thereupon alleges, that *Defendant* COSTCO WHOLESALE CORPORATION, a business entity form unknown, is, and at all times mentioned herein was, operating in San Mateo County, State of California.
2. Plaintiff is informed and believes that *Defendants* DOES 1 through 20, inclusive (collectively, "Defendants"), are, and at all times mentioned herein were, individuals residing in, or business entities based and/or operating in, San Mateo County, State of California.
3. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants, DOES 1 through 20, inclusive, are unknown to Plaintiff, who therefore sues said



1 Defendants by such fictitious names, and Plaintiff will seek leave of Court to amend this  
2 Complaint, in order to show the true names and capacities thereof, when such true names and  
3 capacities are known.

4 4. Plaintiff is informed, believes, and thereupon alleges that each of the Defendants designated  
5 herein as a DOE is responsible, negligently or in some other manner, for the events and  
6 happenings herein referred to, and thereby proximately caused injuries and damages to  
7 Plaintiff, as hereinafter alleged.

8 5. Defendants, at all times mentioned herein were the agents, servants, employees, partners,  
9 members, shareholders, officers, directors, joint venturers, and *alter egos* of each other, and  
10 in doing, or failing to do, the things hereinafter mentioned were acting within the purpose and  
11 scope of their agency and employment and with the knowledge and consent of each other.

12 6. As used herein the term "Defendants" means all Defendants (including but not limited to  
13 named and DOE defendants), both jointly and severally, and mentions by name to any named  
14 Defendant shall include all Defendants, both jointly and severally, by reference.

15 7. Each and all of the acts, events and injuries alleged hereinafter, took place and were sustained  
16 on or about **March 23, 2019**, at the **COSTCO WHOLESALE CORPORATION Store**  
17 **#475, located at 1600 El Camino Real, in the City of "South San Francisco" and/or the**  
18 **City of "Daly City," the County of SAN MATEO, the State of California, and the Zip**  
19 **Code of 94080-1206 ("Premises").**

20 8. At all times mentioned herein, Defendants owned, maintained, controlled, managed,  
21 supervised and/or operated the property referred to as **COSTCO STORE #475, located at**  
22 **1600 El Camino Real, in the City of "South San Francisco" and/or the City of "Daly**  
23 **City," the County of SAN MATEO, the State of California, and the Zip Code of**  
24 **94080-1206 ("Premises").**

25 9. At the aforementioned time and place Defendants, and each of them, so negligently  
26 maintained, controlled, managed, operated, inspected, and/or supervised said Premises, as to  
27 fail to prevent foreseeable users, customers and invitees, such as Plaintiff, from being  
28

1 exposed to perilous and unsafe conditions, without warnings, causing Plaintiff to slip and fall  
2 and thereby sustain the hereinafter-described injuries and damages.

3 10. Defendants knew, or in exercise of reasonable care should have known, that such actions and  
4 omissions constituted a dangerous and an unreasonable risk of harm of which Plaintiff at all  
5 times was unaware of.

6 11. Defendants negligently failed to take steps to either make the condition safe or warn Plaintiff  
7 of the dangerous condition, thereby causing the described injuries and damages to Plaintiff.

8 12. As the direct and proximate result of the negligence of the above-named Defendants, and  
9 each of them, Plaintiff was hurt and injured in her health, strength and activity, sustaining  
10 serious injuries to body and severe shock and injuries to her nervous system and person, all of  
11 which injuries have caused and continue to cause Plaintiff great mental, physical and nervous  
12 pain and suffering, all to Plaintiff's general damages in an amount in excess of the  
13 jurisdictional minimum of this Court.

14 13. As a further, direct and proximate result of the negligence of Defendants, Plaintiff was  
15 required to, and did, incur medical and incidental expenses thereby. The exact amount of  
16 such expenses is presently unknown to Plaintiff and Plaintiff will seek leave of Court to  
17 amend this Complaint, in order to set forth the exact amount thereof, when such exact  
18 amount has been ascertained.

19 14. Plaintiff is informed, believes, and thereon alleges, that as the direct result and proximate  
20 cause of the negligence of Defendants, and each of them, Plaintiff will, for a period to time in  
21 the future, be required to employ physicians and incur additional medical and incidental  
22 expenses thereby. The exact amount of such expenses is presently unknown to Plaintiff and  
23 Plaintiff will seek leave of Court to amend this Complaint, in order to set forth the exact  
24 amount thereof when such amount has been ascertained.

25 15. At the time of the above-mentioned incident, Plaintiff was gainfully employed. As a further  
26 and direct and proximate result of the negligence of Defendants, and each of them, Plaintiff  
27 was unable to attend to her usual employment and has lost income. The exact amount of  
28

1 such damages is presently unknown to Plaintiff and Plaintiff will seek leave of Court to  
 2 amend this Complaint, in order to set forth the exact amount thereof, when such amount has  
 3 been ascertained.

4 16. Plaintiff is informed, believes, and thereupon alleges, that as a direct and proximate result of  
 5 the negligence of Defendants, and each of them, Plaintiff will, for a period of time in the  
 6 future, be unable to attend and/or obtain gainful employment or that her ability to obtain  
 7 gainful employment is diminished and/or her earning capacity has been diminished. The  
 8 exact amount of such losses is presently unknown to Plaintiff, and Plaintiff will seek leave of  
 9 Court to amend this Complaint, in order to set forth the exact amount thereof, when such  
 10 amount has been ascertained.

11 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them,  
 12 jointly and severally, as follows:

- 13 1. General damages, according to proof, and in an amount in excess of the jurisdictional
- 14 minimum of this Court;
- 15 2. Medical and incidental expenses, according to proof;
- 16 3. All other special and incidental damages, according to proof;
- 17 4. Loss of earnings, according to proof;
- 18 5. Loss of earning capacity, according to proof;
- 19 6. Pre-judgment interest, according to proof;
- 20 7. Costs of suit incurred herein;
- 21 8. Attorneys' fees, as provided by law;
- 22 9. Punitive damages, according to proof; and
- 23 10. Such other and further relief as the Court may deem just and proper.

24 **Dated: March 21, 2021**

**BRAL & ASSOCIATES**

25 By: S. Sean Bral  
 26 S. Sean Bral, Esq.  
 27 Attorneys for Plaintiff  
 28 CHELSEA KHOO

# Exhibit B

CIV-050

**-UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): S. SEAN BRAL, ESQ. [SBN 190489] BRAL & ASSOCIATES 1310 Westwood Boulevard Los Angeles, California 90024	TELEPHONE NO.: (310) 789 - 2007	FOR COURT USE ONLY
ATTORNEY FOR (name): Plaintiff CHELSEA KHOO		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center, First Floor, Room "A" MAILING ADDRESS: 400 County Center, First Floor, Room "A" CITY AND ZIP CODE: Redwood City, California 94063 BRANCH NAME: Civil Division - Redwood City		
PLAINTIFF: CHELSEA KHOO DEFENDANT: COSTCO WHOLESALE CORPORATION		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: 21-CIV-01517

To (name of one defendant only): COSTCO WHOLESALE CORPORATION

Plaintiff (name of one plaintiff only): CHELSEA KHOO

seeks damages in the above-entitled action, as follows:

## 1. General damages

AMOUNT

- |    |   |                 |
|----|---|-----------------|
| a. | <input checked="" type="checkbox"/> Pain, suffering, and inconvenience .....                            | \$ 1,000,000.00 |
| b. | <input type="checkbox"/> Emotional distress: .....  | \$ .....        |
| c. | <input type="checkbox"/> Loss of consortium .....   | \$ .....        |
| d. | <input type="checkbox"/> Loss of society and companionship ( <i>wrongful death actions only</i> ) ..... | \$ .....        |
| e. | <input type="checkbox"/> Other ( <i>specify</i> ) .....   | \$ .....        |
| f. | <input type="checkbox"/> Other ( <i>specify</i> ) .....   | \$ .....        |
| g. | <input type="checkbox"/> Continued on Attachment 1.g.   |                 |

## 2. Special damages

- |    |  |                      |
|----|--|----------------------|
| a. | <input checked="" type="checkbox"/> Medical expenses <i>(to date)</i> .....  | \$ <u>55,000.00</u>  |
| b. | <input checked="" type="checkbox"/> Future medical expenses <i>(present value)</i> .....                           | \$ <u>125,000.00</u> |
| c. | <input checked="" type="checkbox"/> Loss of earnings <i>(to date)</i> .....  | \$ <u>85,000.00</u>  |
| d. | <input checked="" type="checkbox"/> Loss of future earning capacity <i>(present value)</i> .....                   | \$ <u>170,000.00</u> |
| e. | <input type="checkbox"/> Property damage .....   | \$ _____             |
| f. | <input type="checkbox"/> Funeral expenses <i>(wrongful death actions only)</i> .....                               | \$ _____             |
| g. | <input type="checkbox"/> Future contributions <i>(present value) (wrongful death actions only)</i> .....           | \$ _____             |
| h. | <input type="checkbox"/> Value of personal service, advice, or training <i>(wrongful death actions only)</i> ..... | \$ _____             |
| i. | <input type="checkbox"/> Other <i>(specify)</i> .....  | \$ _____             |
| j. | <input type="checkbox"/> Other <i>(specify)</i> .....  | \$ _____             |
| k. | <input type="checkbox"/> Continued on Attachment 2.k.  |                      |

3. ☒ **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify).. \$ 1,000,000.00  
when pursuing a judgment in the suit filed against you.

Date: January 22, 2022

S. SEAN BRAL, ESQ.

(TYPE OR PRINT NAME)

S. Sean Bral

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

CIV-050

PLAINTIFF: CHELSEA KHOO  
 DEFENDANT: COSTCO WHOLESALE CORPORATION

CASE NUMBER:  
 21-CIV-01517

**PROOF OF SERVICE**

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

## 1. I served the

- a. ☐ Statement of Damages ☐ Other (specify):
- b. on (name):
- c. by serving ☐ defendant ☐ other (name and title or relationship to person served):
- d. ☐ by delivery ☐ at home ☐ at business
- (1) date:
- (2) time:
- (3) address:
- e. ☐ by mailing
- (1) date:
- (2) place:

## 2. Manner of service (check proper box):

- a. ☐ **Personal service.** By personally delivering copies. (CCP § 415.10)
- b. ☐ **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))
- c. ☐ **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
- d. ☐ **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**
- e. ☐ **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
- f. ☐ Other (specify code section):
- ☐ additional page is attached.

## 3. At the time of service I was at least 18 years of age and not a party to this action.

## 4. Fee for service: \$

## 5. Person serving:

- a. ☐ California sheriff, marshal, or constable
- b. ☐ Registered California process server
- c. ☐ Employee or independent contractor of a registered California process server
- d. ☐ Not a registered California process server
- e. ☐ Exempt from registration under Bus. & Prof. Code § 22350(b)

f. Name, address and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**(For California sheriff, marshal, or constable use only)**  
 I certify that the foregoing is true and correct.

Date:

Date:



(SIGNATURE)



(SIGNATURE)

# Exhibit C

1 SHARON C. COLLIER (State Bar No. 203450)  
scc@severson.com

2 LESLIE A. FALES (State Bar No. 289565)  
laf@severson.com

3 SEVERSON & WERSON  
A Professional Corporation  
4 One Embarcadero Center, Suite 2600  
San Francisco, California 94111  
5 Telephone: (415) 398-3344  
Facsimile: (415) 956-0439

6 Attorneys for Defendant  
7 COSTCO WHOLESALE CORPORATION

8  
9  
10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SAN MATEO

12 CHELSEA KHOO,

13 Plaintiff,

14 vs.

15 COSTCO WHOLESALE CORPORATION, ,  
16 a business entity form unknown; and DOES 1  
through 20, Inclusive,

17 Defendants.  
18

Case No. 21-CIV-01517

**DEFENDANT COSTCO WHOLESALE  
CORPORATION'S ANSWER TO  
UNVERIFIED COMPLAINT**

Action Filed: March 22, 2021  
Trial Date: N/A

19 COMES NOW, Defendant COSTCO WHOLESALE CORPORATION, and, in answer to  
20 the unverified Complaint of Plaintiff CHELSEA KHOO, denies each and every, all and singular,  
21 generally and specifically, the allegations therein contained and further denies that said Plaintiff  
22 has been damaged in any sum, or sums, if any at all.

23 **GENERAL DENIAL**

24 Pursuant to Code of Civil Procedure section 431.30(d), Defendant generally denies each  
25 and every allegation contained in Plaintiff's Complaint, and each and every cause of action  
26 therein, and specifically denies that Plaintiff has been damaged in any respect by any allegedly  
27 wrongful act or omission on the part of Defendant, their officers, employees, or agents. This  
28 paragraph is incorporated by reference into each and every affirmative defense set forth below.



1 **FIRST AFFIRMATIVE DEFENSE**

2 ***(Failure to State a Cause of Action)***

3 The Complaint, and each cause of action thereof, fails to set forth facts sufficient to  
4 constitute a cause of action against this answering Defendant.

5 **SECOND AFFIRMATIVE DEFENSE**

6 ***(Comparative Fault)***

7 Defendant alleges that Plaintiff was careless and negligent in and about the matter alleged  
8 in its Complaint and that said carelessness and negligence on said Plaintiff's own part proximately  
9 contributed to the happening of the accident, to the injuries, losses and damages complained of, if  
10 any there were.

11 **THIRD AFFIRMATIVE DEFENSE**

12 ***(Fault of Others)***

13 While at all times denying any liability and responsibility whatsoever to Plaintiff herein,  
14 Defendant contends that the alleged liability or responsibility is small in proportion to the alleged  
15 liability and responsibility of other persons and entities, including other persons and entities who  
16 may or may not be defendants herein, and that Plaintiff should be limited to seeking recovery from  
17 these defendants for the proportion of alleged injuries and damages for which these defendants are  
18 allegedly liable or responsible, all such alleged liability and responsibility being expressly denied.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 ***(Assumption of the Risk)***

21 Plaintiff is barred from asserting any claim against Defendant by reason of Plaintiff's  
22 assumption of the risk of the matters causing the injuries and damages incurred, if any.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 ***(Failure to Use Reasonable Diligence)***

25 Defendant is informed and believes and thereon alleges that Plaintiff's injuries, losses or  
26 damages, if any, were aggravated by Plaintiff's and/or other defendants' failure to use reasonable  
27 diligence.

28 ///

1 **SIXTH AFFIRMATIVE DEFENSE**

2 ***(Doctrine of Laches)***

3 Defendant alleges that the Plaintiff's claims are barred by the equitable doctrine of laches.

4 **SEVENTH AFFIRMATIVE DEFENSE**

5 ***(Waiver / Estoppel)***

6 Plaintiff has waived and is estopped from asserting any claim against this Defendant by  
7 reason of plaintiff's approval and consent to the risk in the matters causing the damages alleged, if  
8 any, in its acknowledgment of, acquiescence in and consent to the alleged act or omissions, if any, of  
9 this Defendant.

10 **EIGHTH AFFIRMATIVE DEFENSE**

11 ***(Failure to Mitigate Damages)***

12 Defendant alleges that Plaintiff's injuries, losses and damages suffered, if any, which are  
13 expressly denied, were caused by Plaintiff's failure to take reasonable steps to mitigate such  
14 damages; to the extent that such injuries, losses or damages were caused by Plaintiff's failure to  
15 take reasonable steps to mitigate such damages, that such are not recoverable against this  
16 answering Defendant.

17 **EIGHTH AFFIRMATIVE DEFENSE**

18 ***(Civil Code §1431.2 Apportionment)***

19 The liability of this answering Defendant, if any, for Plaintiff's economic loss should be  
20 prorated pursuant to the provisions of California Civil Code section 1431.2.

21 **NINTH AFFIRMATIVE DEFENSE**

22 ***(Reservation to Plead Other Defenses)***

23 This Answering Defendant presently has insufficient knowledge or information  
24 upon which to form a belief as to whether it may have additional, as yet unstated, affirmative  
25 defenses available. Accordingly, this answering Defendant reserves the right to assert additional  
26 affirmative defenses in the event discovery indicates that would be appropriate.

27 ///

28 ///

**PRAYER FOR RELIEF**

WHEREFORE, Defendant Costco Wholesale prays as follows:

1. That Plaintiff takes nothing by reason of the Complaint;
2. For judgment in Defendant's favor and dismissal of the action with prejudice;
3. For Defendant's attorneys' fees against Plaintiff;
4. For costs of suit; and
5. For such other relief that the Court deems just and proper.

DATED: February 24, 2022

SEVERSON & WERSON  
A Professional Corporation

By: 

SHARON C. COLLIER  
LESLIE A. FALES

Attorneys for Defendant COSTCO WHOLESALE  
CORPORATION

**PROOF OF SERVICE**

***Chelsea Khoo v. Costco Wholesale Corporation,*  
San Mateo County :Superior Court Case No. 21-CIV-01517**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On February 24, 2022, I served true copies of the following document(s):

**DEFENDANT COSTCO WHOLESALE CORPORATION'S ANSWER TO  
UNVERIFIED COMPLAINT**

on the interested parties in this action as follows:

S. Sean Bral  
Richard Pourgol  
1875 Century Park East, Suite 1490  
Los Angeles, CA 90067

Attorneys for Plaintiff CHELSEA KHOO

Tel: (310)789-2007  
Fax: (310)789-2006  
[SBFirm@gmail.com](mailto:SBFirm@gmail.com)

**BY ELECTRONIC SERVICE:** I electronically filed the document(s) with the Clerk of the Court by using the First Legal system. Participants in the case who are registered users will be served by the First Legal system. Participants in the case who are not registered users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 24, 2022, at San Francisco, California.

/s/ Katrina D. Adkins

Katrina D. Adkins

# Exhibit D

A344517

1587907

NCTD:

AMENDED  
STATEMENT AND DESIGNATION  
BY  
FOREIGN CORPORATION

DO NOT WRITE IN THIS SPACE

**FILED**  
In the office of the Secretary of State  
of the State of California

JAN 22 1988

*March Fong Eu*  
MARCH FONG EU, Secretary of State

COSTCO WHOLESALE CORPORATION

\_\_\_\_\_, a corporation  
organized and existing under the laws of Washington  
and which is presently qualified for the transaction of intrastate business in the  
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth  
and that the name relinquished at the time of such change was \_\_\_\_\_  
CWC Corporation which will do business in California as Washington  
Wholesalers Inc.

COSTCO WHOLESALE CORPORATION

(Name of Corporation)

*Michael D. Anderton*  
(Signature of corporate officer)

Corporate  
Michael D. Anderton, Secretary  
(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.



---

## STATE of WASHINGTON SECRETARY of STATE

---

I, **Ralph Munro**, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office Articles of Merger between CWC CORPORATION, a Washington corporation, and COSTCO WHOLESALE CORPORATION, a Delaware corporation, whereby CWC CORPORATION is the surviving corporation under the name COSTCO WHOLESALE CORPORATION were received and filed in this office September 1, 1987.

Date: September 1, 1987

Given under my hand and the seal of the State of Washington, at Olympia, the State Capitol.

Ralph Munro, Secretary of State

# **Exhibit E**





# State of California Secretary of State

## Statement of Information

(Foreign Corporation)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

F

G752821

**FILED**

In the office of the Secretary of State  
of the State of California

JUN-27 2019

**1. CORPORATE NAME**

COSTCO WHOLESALE CORPORATION

**2. CALIFORNIA CORPORATE NUMBER**

C1587907

This Space for Filing Use Only

**No Change Statement** (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 13.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
999 LAKE DRIVE, ISSAQUAH, WA 98027			

5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
4649 MORENA BOULEVARD, SAN DIEGO, CA 92117			

6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE
LICENSING P.O. BOX 35005, SEATTLE, WA 98124			

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/ ADDRESS	CITY	STATE	ZIP CODE
WALTER C. JELINEK 999 LAKE DRIVE, ISSAQUAH, WA 98027			

8. SECRETARY ADDRESS	CITY	STATE	ZIP CODE
JOHN C. SULLIVAN 999 LAKE DRIVE, ISSAQUAH, WA 98027			

9. CHIEF FINANCIAL OFFICER/ ADDRESS	CITY	STATE	ZIP CODE
RICHARD A. GALANTI 999 LAKE DRIVE, ISSAQUAH, WA 98027			

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

**10. NAME OF AGENT FOR SERVICE OF PROCESS**

C T CORPORATION SYSTEM

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE

**Type of Business**

**12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION**

WHOLESALE/RETAIL MBRSHIP WAREHS

**13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.**

06/27/2019

GAIL E. TSUBOI

AVP/ASST. SECRETARY

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

# Exhibit F

**1 OF 1 RECORD(S)**

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Date:2/22/2022

Report processed by:  
 Severson & Werson PC

Full Name	Address	County	Phone
KHOO, CHELSEA K	2575 30TH AVE APT 1 SAN FRANCISCO, CA 94116-2931 SAN FRANCISCO COUNTY	SAN FRANCISCO	None Listed

**ADDITIONAL PERSONAL INFORMATION**

SSN	DOB	Gender	LexID(sm)	Email
[REDACTED]	1958 (Age:64)		165841524934	None Listed

**Subject Summary****Name Variations**

- 1: KHOO, CHELSEA
- 2: KHOO, CHELSEA K

**SSNs Summary**

No.	SSN	State Iss.	Date Iss.	Warnings
1:	[REDACTED]	California	1999	

**Most frequent SSN attributed to subject:**

**DOBs**

**Reported DOBs:**  
 1958

**Others Using SSN - 6 records found**

#	Full Name	SSN	DOB
1:	OHN, KHIN K	[REDACTED]	11/1958
2:	OHN, KHIN KHIN	[REDACTED]	11/1958
3:	KHIN, K	[REDACTED]	11/1958
4:	OHN, KHIN	[REDACTED]	11/1958
5:	KHIN, KHIN	[REDACTED]	11/1958
6:	KHIN, OHN	[REDACTED]	11/1958

**Address Summary - 4 records found**

No.	Address
1:	2575 30TH AVE APT 1 SAN FRANCISCO, CA 94116-2931 SAN FRANCISCO COUNTY
2:	2438 18TH AVE SAN FRANCISCO, CA 94116-2401 SAN FRANCISCO COUNTY
3:	2346 18TH AVE SAN FRANCISCO, CA 94116-2425

**No. Address**

SAN FRANCISCO COUNTY

4: 1648 18TH AVE  
SAN FRANCISCO, CA 94122-3413  
SAN FRANCISCO COUNTY

**Address Details**

**1: 2575 30TH AVE APT 1 SAN FRANCISCO, CA 94116-2931**

**Address**

2575 30TH AVE APT 1  
SAN FRANCISCO, CA 94116-2931  
SAN FRANCISCO COUNTY

**Dates**

11/2015 - 1/2022

**Phone**

**Census Data for Geographical Region**

Median Head of Household Age: 45

Median Income: [REDACTED]

Median Home Value: [REDACTED]

Median Education: 13 years

**Household Members**

None Listed

**Other Associates**

TUN, JOY B

**2: 2438 18TH AVE SAN FRANCISCO, CA 94116-2401**

**Address**

2438 18TH AVE  
SAN FRANCISCO, CA 94116-2401  
SAN FRANCISCO COUNTY

**Dates**

3/2014 - 1/2016

**Phone**

**Census Data for Geographical Region**

Median Head of Household Age: 40

Median Income: [REDACTED]

Median Home Value: [REDACTED]

Median Education: 13 years

**Household Members**

OHN, KHIN KHIN

**Other Associates**

TUN, JOY B

**3: 2346 18TH AVE SAN FRANCISCO, CA 94116-2425**

**Address**

2346 18TH AVE  
SAN FRANCISCO, CA 94116-2425  
SAN FRANCISCO COUNTY

**Dates**

9/2009 - 4/2014

**Phone**

**Census Data for Geographical Region**

Median Head of Household Age: 42

Median Income: [REDACTED]

Median Home Value: [REDACTED]

Median Education: 14 years

**Household Members**

None Listed

**Other Associates**

TUN, JOY B

**4: 1648 18TH AVE SAN FRANCISCO, CA 94122-3413**

**Address**

1648 18TH AVE  
SAN FRANCISCO, CA 94122-3413  
SAN FRANCISCO COUNTY

**Dates**

4/2011 - 7/2011

**Phone**

**Census Data for Geographical Region**

Median Head of Household Age: 40

No.	Full Name	Address/Phone
1.	[REDACTED]	[REDACTED] [REDACTED]
	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
	[REDACTED]	[REDACTED] [REDACTED]
	[REDACTED]	[REDACTED] [REDACTED]
	[REDACTED]	[REDACTED] [REDACTED]

No.	Full Name	Address/Phone
		1648 18TH AVE SAN FRANCISCO, CA 94122-3413
		1548 18TH AVE SAN FRANCISCO, CA 94122-3411

**Business Associates - 0 records found****Person Associates - 1 records found**

No.	Full Name	Address	SSN	Phone	DOB
1:	TUN, JOY B TUN, BABY DUN, BABY	1213 GARDENIA LN CROWLEY, TX 76036-4075			607-87-XXXX 1/196 2
		2575 30TH AVE APT 1 SAN FRANCISCO, CA 94116-2931			
		2438 18TH AVE SAN FRANCISCO, CA 94116-2401			
		2346 18TH AVE SAN FRANCISCO, CA 94116-2425			

**Neighbors - 8 records found****2575 30TH AVE APT 1 SAN FRANCISCO, CA 94116-2931**

Name	Address	Phone
------	---------	-------

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
------------	------------	------------

[REDACTED]

[REDACTED]

[REDACTED]

Employment Locator - 0 records found

Criminal Filings - 0 records found

Sexual Offenders - 0 records found

Cellular & Alternate Phones - 0 records found

Possible Education - 0 records found

Sources - 28 records found

All Sources

25 Source Document(s)

Historical Person Locator

2 Source Document(s)

Liens and Judgments

1 Source Document(s)

Person Locator 1

1 Source Document(s)

Person Locator 5

3 Source Document(s)

Person Locator 6

18 Source Document(s)

Key

High Risk Indicator. These symbols may prompt you to investigate further.

Moderate Risk Indicator. These symbols may prompt you to investigate further.

General Information Indicator. These symbols inform you that additional information is provided.

The most recent telephone listing as reported by the EDA source.

**Important:** The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

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